



**CITY OF DELTONA, FLORIDA  
PLANNING & ZONING BOARD  
WEDNESDAY, JUNE 15, 2011**

**REGULAR MEETING MINUTES**

A Regular Meeting of the City of Deltona Planning and Zoning Board was held on Wednesday, June 15, 2011, in the City of Deltona Commission Chambers, located at 2345 Providence Boulevard, Deltona, Florida.

**1. CALL TO ORDER:**

Chairman Tom Burbank called the meeting to order at 7:02 p.m.

**2. ROLL CALL:**

Chairman	Tom Burbank	Present
Vice-Chair	Adam Walosik	Present
Secretary	Noble Olasimbo	Present
Board Member	Victor Ramos	Present
Board Member	Eileen Gallagher	Excused
Board Member	Heather Mulder	Excused
Board Member	David McKnight	Present

**Staff Present:**

Ron A. Paradise, Assistant Director, Planning & Development Services  
Pauline Shattuck, Board Secretary

Also present was Mayor John Masiarczyk.

**3. APPROVAL OF MINUTES:**

**A. Regular Meeting Minutes:**

Regular meeting minutes of the Planning & Zoning Board--May 18, 2011.

**Member Ramos made a motion to approve the May 18, 2011, meeting minutes.  
Member Olasimbo seconded the motion. The motion carried unanimously, 5:0.**

**4. ANNOUNCEMENTS:**

None

5. **OLD BUSINESS:**

None

6. **NEW BUSINESS:**

A. **CP11-001 Fernwood - Small Scale Map Amendment**

B. **CP11-002 Dupont Lakes Park - Small Scale Map Amendment**

Mr. Paradise said staff is asking the Board to table both small scale map amendments for a date certain of July 20, 2011. He explained that there was a lack of sufficient notice. Certified letters were mailed to property owners, but the properties were not properly posted within the ten day window as per due public notice of Chapter 110, City Ordinances. He apologized for the error and said he takes full responsibility. On July 20, staff is presenting a rezoning item associated with these Scale Map Amendments. It will not result in a significant loss of time, because for the properties to be fully entitled they will need to be rezoned as well. Mr. Paradise said there is no actual development pending on these properties; therefore, no development project will possibly be delayed because of this oversight.

Member Ramos thanked Mr. Paradise for taking responsibility. He said he did see, especially on the ballpark area, that there was no notice at that location. There were just two sticks, one at the entrance and one over by the Fire Station. Mr. Paradise said staff posted the properties yesterday, and delving into the situation, notice was not sufficient. He did not want to continue with insufficient notice because the risk was not worth it. Member Olasimbo agreed because the amendments could be challenged in the future.

Mr. Paradise said that by the Board deferring these cases to the July 20, meeting, staff will not need to re-notify property owners or re-advertise. However, proper notice will be done for the rezoning case.

**Member McKnight made a motion to table items A & B: Small Scale Map Amendments CP11-001 Fernwood, and CP11-002 Dupont Lakes Park, to the July 20, 2011, Planning & Zoning Board Meeting. Member Ramos seconded the motion. The motion carried unanimously, 5:0.**

7. **OTHER BUSINESS:**

None

8. **TRAINING:**

None

## **9. DISCUSSION:**

### **A. By the Board**

Chairman Burbank welcomed Mayor Masiarczyk. The Mayor said there will be an informal meeting with the new Acting City Attorney, Becky Vose, who has also applied for the permanent City Attorney position. The Mayor invited the P&Z Board Members to the meeting.

Chairman Burbank stated that Jerry Mayes, Deltona's Business Development Administrator, told him a few months ago that he was putting together a sub-committee, under Economic Development, of representatives of the various Boards such as the Economic Development Board, the Beautification Board and the P&Z Board. He said that Mr. Mayes did form the sub-committee and he is a member. He said there has been a question from someone on the Beautification Board whether that request should have come before the P&Z Board for a vote as to whether or not other Board members could participate in this sub-committee, and another vote as to who would be the representative. Since the sub-committee has been formed and it is too late for that, Chairman Burbank asked if a Board Member would like to volunteer to replace him. He said Nick Conte is the Chair and someone from the Beautification Board is on the committee.

Member McKnight asked if this sub-committee was formed by the City Commission. Chairman Burbank said no, and that's where the question comes in. It's a sub-committee of a committee. He knows the Commission has a problem with one individual serving on two different boards. This is a sub-committee so he thinks it is less formal, but still subject to the Sunshine Law, and subject to due public notice. Member Ramos said he does not see where Chairman Burbank will be making any decisions based on behalf of the P&Z Board, and he thinks that is where the issue might come in.

Chairman Burbank said the sub-committee wants to meet and be informed of other Boards' decisions. Member Ramos said it is more of an informative type of committee. Member Olasimbo said, based on what Chairman Burbank said, is he asking for someone from this board to be on that committee and to determine if the representative needs a decision to report back to us. Is that what it is leading to? Chairman Burbank said he was not sure. Member Ramos said Member Olasimbo might be right, but he thinks that it being an informal sub-committee, he did not know that any of their decisions will hold any weight. Chairman Burbank said they will just be recommendations.

Member McKnight said if the sub-committee was not formed by the Commission, then there are no actual rules for it, even the Sunshine Law. Member Ramos said so they are basically going to sit down and have a conversation about what each other is doing, but to have any decision that holds any weight, he doesn't think it could.

Member McKnight said he thought it would have to come before the City Commission for their approval to have this sub-committee. Chairman Burbank said, as an example, this is what could conceivably happen on the sub-committee: The P&Z just recently moved to approve an ordinance to allow assisted living facilities, etc., to provide a greater variety of spaces. The P&Z Board took it from 3 or 4 potential sites to 50 or 60 potential sites. So has anybody informed the Economic Development sub-committee about this? Once informed, the sub-committee now has an opportunity to reach out to that industry to let them know that Deltona has more available properties right now and to come look at Deltona. He thinks it is going to be more of a communication sub-committee.

Member McKnight said he thought it was a good idea, but he was not sure that without the Commission's rubber stamp on it that it holds any weight. Chairman Burbank said if he will be the one on the sub-committee, he will be asking a lot of those questions. Member McKnight said, right, since the sub-committee is not officially formed.

Member Olasimbo said Chairman Burbank could attend on behalf of the P&Z Board, if the City wants someone from the P&Z to attend. Member Ramos said it is not the City that is putting this together. Chairman Burbank said exactly so, it was Mr. Mayes. Member McKnight said that is his question, if the City Commission hasn't approved this. Member Ramos said to Chairman Burbank that as long as he is not making any decisions based on the P&Z Board, he could be on the sub-committee.

Chairman Burbank said he does not want to step on anybody's toes. He was just thinking it will be alright to be on the sub-committee, but now he is giving advice on the agenda. Michael Richards, who is the Chairman of the Beautification Board, said he could only attend as a citizen because his Board did not vote to participate, nor did they vote on a representative, nor did he know if they had to.

Member McKnight asked about finding out more of the formality of it. Is it actually a legal committee to have? Member Olasimbo said in order to make a decision, we need to find out about its formation, what are the by-laws; and if Chairman Burbank needs to ask for permission from the P&Z Board about it to come back to the P&Z Board.

**B. By the City Attorney**

**C. By the Director of Planning & Development Services**

**10. ADJOURNMENT:**

**Member Olasimbo moved to adjourn the meeting. Member McKnight seconded the motion. The motion carried unanimously.**

**MEETING ADJOURNED AT 7:31 P.M.**

Approved this 20<sup>th</sup> day of July, 2011.

**ATTEST:**

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**Pauline Shattuck, Recording Secretary**

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**Tom Burbank, Chairman**